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| 10/015,267 | 12/12/2001 | Michael Wayne Brown | AUS920010821US1 | 1757 |
| 34533 | 7590 | 11/04/2005 | EXAMINER | |
| INTERNATIONAL CORP (BLF) | | | ELAHEE, MD S | |
| c/o BIGGERS & OHANIAN, LLP | | | ART UNIT | |
| P.O. BOX 1469 | | | PAPER NUMBER | |
| AUSTIN, TX 78767-1469 | | | 2645 | |

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/015,267 | Applicant(s) BROWN ET AL. | |
| | Examiner Md S. Elahee | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

1. In view of the appeal Brief filed on 04/04/05, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 11, 12, 15, 22, 23, 26, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallick (U.S. Patent No. 6,678,359).

Art Unit: 2645

Regarding claim 1, Gallick teaches detecting, at a server [i.e. origin device], a speech [i.e., voice utterance] of an answering called party [i.e., callee] from the called party terminal [i.e., destination device] (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6). The feature server of Gallick reads on the claimed “origin device”. It is because the feature server is sending H.323 (admissions Confirm ACF) signal to called subscriber and H.323 (Alerting) signal to calling Subscriber (see fig.6), the feature server is ‘origin device’ of the H.323 (admissions Confirm ACF) and H.323 (Alerting) signals. Since feature server is providing the called party’s IP address to the calling party (see col.2, line 61- col.3, line 2, col.6, lines 27-29), the feature server is ‘origin device’ of IP address information. It is noted that applicant didn’t claim whether ‘origin device’ is originating a call or any other signal, it is clear that the feature server is an “origin device” that generates the admissions Confirm ACF signal and Alerting signal.

Gallick further teaches identifying, at the server, an answering called party associated with the speech, such that the answering called party identity is transmittable as an authenticated identity of the answering called party for a call (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Regarding claims 4, 15 and 26, Gallick teaches extracting speech sample [i.e., characteristics] from the voice utterance (col.2, lines 9-11, col.3, lines 12-53, col.6, lines 3-14).

Gallick further teaches comparing the speech sample to stored voice sample on file [i.e., a plurality of voice samples stored] for identifying the answering called party [i.e., a plurality of callees] (col.3, lines 44-49).

Art Unit: 2645

Regarding claims 11 and 22, Gallick teaches that the answering called party [i.e., callee] identity comprises at least one from among an answering called party name, an answering called party location, a subject of the call, and a device identification (col.6, lines 3-14, 27-59).

Regarding claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches a server [i.e. origin device] connected to a telephone network (fig.1).

Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches database [i.e., recording medium] (col.4, lines 40-49).

Regarding claim 50 is rejected for the same reasons as discussed above with respect to claim 23. Furthermore, Gallick teaches enabling output of the authenticated identity from the server [i.e. origin device] such that a caller accessing server is informed of an identity of the answering called party [i.e., callee] (col.3, lines 44-53, col.6, lines 3-14, 27-59).

Regarding claim 51, Gallick teaches comparing the speech sample [i.e., voice utterance] with at least one voice sample on file [i.e., voice imprint] stored at the server (col.3, lines 44-49).

Gallick further teaches authenticating the identity of the answering called party according to an answering called party identification stored in association with a voice sample on file responsive to matching the voice utterance with the at least one voice sample on file (col.3, lines 44-53, col.6, lines 3-14, 27-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2645

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2, 8, 13, 19, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Gallick teaches all the limitations of parent claims 1, 12 and 23.

Regarding claims 2, 13 and 24, Gallick does not specifically teach “prompting said callee, from said origin device, to provide said voice utterance”. Bartholomew teaches instructing [i.e., prompting] the answering party [i.e., callee], from the IP 23 [i.e. origin device], to provide the input speech [i.e., voice utterance] (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-

Art Unit: 2645

12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to prompt the callee from the origin device for provide the voice utterance as taught by Bartholomew. The motivation for the modification is to notify the called party when one's ID should be entered for verification.

Regarding claims 8, 19 and 30, Gallick teaches enabling the caller to identify a preferred answering called party at the server (col.3, lines 12-53, col.6, lines 3-14).

Gallick does not specifically teach "transferring an identifier for said preferred callee to said destination device, wherein destination device is enabled to adjust output according to said identifier for said preferred callee". Bartholomew teaches providing [i.e., transferring] an identifier for the preferred answering party [i.e., callee] to the destination central office switch [i.e., destination device], wherein destination central office switch is enabled to load subscriber profile information [i.e., adjust output] according to the identifier for the preferred answering party (fig.1; col.14, lines 9-52, col.43, lines 3-67, col.44, lines 1-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to transfer an identifier for the preferred callee to the destination device, wherein destination device is enabled to adjust output according to the identifier for the preferred callee as taught by Bartholomew. The motivation for the modification is to provide additional information to verify identity of a particular called party.

8. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of McAllister (U.S. Patent No. 6,101,242).

Gallick teaches all the limitations of parent claims 1, 12 and 23.

Regarding claims 3, 14 and 25, Gallick fails to teach “prompting said callee to enter an additional input to verify said callee identity”. McAllister teaches prompting the called party [i.e., callee] for one or more repeat attempts [i.e., enter an additional input to verify said callee identity] (col.34, lines 1-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to ensure that the callee’s identity is accurately verified.

9. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Baker (U.S. Patent No. 5,533,109).

Gallick teaches all the limitations of parent claims 1 and 12.

Regarding claims 9 and 20, Gallick fails to teach “said origin device is a private exchange network”. Baker teaches that the calling party device [i.e., origin device] is a PBX unit [i.e., private exchange network] (fig.1, fig.2; col.2, lines 26-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device as a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide a user of full control of the server.

10. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of La Porta et al. (U.S. Patent No. 6,041,103).

Gallick teaches all the limitations of parent claims 1, 12 and 23.

Regarding claims 10 and 21, Gallick does not specifically teach ‘said origin device is a telephony device’. La Porta teaches that the server [i.e. origin device] is a telephony device

Art Unit: 2645

(fig.3, item 120, fig.4, item 430; col.5, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device being a telephony device as taught by La Porta. The motivation for the modification is to have doing so in order to provide voice and text message.

11. Claims 40, 41, 43-46, 48, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Velius (U.S. Patent No. 5,594,784).

Regarding claims 40 and 45, Gallick teaches detecting, at a server, a speech [i.e., voice utterance] of an answering called party [i.e., callee] from the called party terminal [i.e., destination device] (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Gallick further teaches authenticating an identity of the answering called party [i.e., callee] from the voice utterance at the voice identification recognizer of server (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59).

Gallick further teaches enabling output of the authenticated identity from the server, such that a caller accessing server is informed of an identity of the answering called party (fig.1, fig.4, fig.6; col.3, lines 44-53, col.5, lines 30-36, col.6, lines 27-59, col.7, lines 1-6).

However, Gallick does not specifically teach origin device originating a call. Velius teaches the customer premise equipment [i.e. origin device] originating a call (abstract; fig.1-3; col.4, lines 14-24, col.7, lines 10-24, col.8, lines 66, 67, col.9, lines 1-19, col.13, lines 1-21). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow origin device originating a call in order to utilize speech-based signaling for initiating and handling calls.

Art Unit: 2645

Regarding claims 41 and 46 are rejected for the same reasons as discussed above with respect to claim 41. Furthermore, Gallick teaches comparing the voice utterance with at least one voice imprint stored at the server (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Gallick further teaches responsive to matching the voice utterance with the at least one voice imprint, authenticating the identity of the callee according to a callee identification stored in association with the voice imprint (fig.2a, fig.2b; col.3, lines 44-53, col.5, lines 30-36, col.6, lines 27-59, col.7, lines 1-6).

Regarding claims 43 and 48, Gallick teaches displayable output to a graphical user interface (col.3, lines 7-12).

Regarding claims 44 and 49, Gallick teaches that output comprises audio alert (i.e., audio output via a speaker) (fig.3, step 310; col.3, lines 6-25).

Regarding claim 52, Gallick teaches detecting, at a server, a speech [i.e., voice utterance] of an answering called party [i.e., callee] from the called party terminal [i.e., destination device] (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Gallick further teaches identifying, at the server, an answering called party associated with the speech, such that the answering called party identity is transmittable as an authenticated identity of the answering called party for a call (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

However, Gallick does not specifically teach a call initiating telephony apparatus. Velius teaches a customer premise equipment [i.e. call initiating telephony apparatus] (abstract; fig.1-3; col.4, lines 14-24, col.7, lines 10-24, col.8, lines 66, 67, col.9, lines 1-19, col.13, lines 1-21).

Art Unit: 2645

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device being a telephony device as taught by Velius. The motivation for the modification is to have doing so in order to handle call initiation based on speech-based signaling.

Allowable Subject Matter

12. After careful review of claims 5-7, 16-18, 27-29, 42 and 47 examiner has withdrawn the rejection as stated in previous Final Rejection because regarding the claims applicant's argument is persuasive.

13. Claims 5-7, 16-18, 27-29, 42 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. **Reasons for allowance:** The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5, 16 and 27, the prior art Gallick after having all the limitation of parent claim fails to teach transmitting the voice utterance to a third party device via a network as well as receiving the callee identity from the third party device. Gallick teaches that voice of callee is identified by the voice identification recognizer located on server. Gallick reference does not need any third party verification for identifying the voice of callee. Therefore, the addition of a third party verification would have required substantial structural to Gallick.

Regarding claims 6, 17 and 28, the prior art Gallick after having all the limitation of parent claim fails to teach requesting a voice sample for the particular callee from a third party device accessible via a network. Gallick teaches that voice of callee is identified by the voice

Art Unit: 2645

identification recognizer located on server. Gallick reference does not need to have any request from a third party for voice sample of a particular callee. Therefore, the addition of a third party would have required substantial structural to Gallick.

Regarding claims 7, 18 and 29, the prior art Gallick after having all the limitation of parent claim fails to teach displaying the callee identity to the caller at the origin device, wherein the caller is enabled to select whether to continue the call according to the callee identity. Gallick teaches that callee identity is transmitted from feature server to calling telephone. Gallick reference does not need to have any display at the feature server. Therefore, the addition of a display would have required substantial structural to Gallick.

Regarding claims 42 and 47, the prior art Gallick in view of La Porta after having all the limitation of parent claim fails to teach accessing at least one voice imprint from a third party server. Gallick teaches that voice of callee is identified by the voice identification recognizer located on server. Gallick reference does not need any third party's access for identifying the voice of callee. Therefore, the addition of a third party's access would have required substantial structural to Gallick.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schuster et al. (U.S. Patent No. 6,937,699) teach System and method for advertising using data network telephone connections and Truchon et al. (U.S. Patent No. 6,144,723) teach Method and apparatus for providing voice assisted call management in a telecommunications network.

Art Unit: 2645

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

M.E.

MD SHAFIUL ALAM ELAHEE
October 30, 2005